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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,569	01/10/2002	Paul R. Goudy JR.	GUDYP102USD	1779

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EXAMINER

MAYEKAR, KISHOR

ART UNIT	PAPER NUMBER
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1753

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,569

Applicant(s)

GOUDY, PAUL R.

Examiner

Kishor Mayekar

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-103 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 26-103 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10 Dec. 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of invention of group II, claims 7-25 in the reply filed 10 December 2004 is acknowledged. The traversal is on the ground(s) that "the Examiner reconsider the restriction requirement and include in the elected group claims 98-103". This is not found persuasive because the record reflects that all of these groups are patentably distinct and have been properly considered.

The requirement is still deemed proper and is therefore made FINAL.

2. This application contains claims 1-6 and 26-103 drawn to an invention nonelected with traverse in the reply filed 10 December 2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Specification

3. The disclosure is objected to because of the error in line 18 of page 51 to the phrase "The input electrode 584". Should it be --The input electrode 854--.

Appropriate correction is required.

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 8-12, 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for first electrode comprised of a plurality of input electrodes, does not reasonably provide enablement for the first electrode and the plurality of input electrodes being different. The specification does not enable any person skilled in the art to which it pertains, or with which it is

most nearly connected, to make and/or use the invention commensurate in scope with these claims.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 13, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, the phrase "the path" lacks antecedent basis.

In claim 17, the phrase "the input electrodes" lacks antecedent basis.

Claim Rejections - 35 USC § 102 and § 103

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7-15 and 20-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bell et al. (5,516,493). The reference's invention is directed to an ozone generator. The reference discloses that the ozone generator being an electrical discharge (col. 1, lines 29-36) comprises all the structures as claimed (Fig. 1 and col. 5, line 42 through col. 6, line 20).

As to the subject matter of claim 24, as Bell discloses in col. 6, lines 46-55 that the windings 70 (further electrode) are separated by insulator 100, the separation is read on the recited discontinuities.

As to claim 25, because of the separation, hence the discontinuities, the first electrode is inherently located in off-center to the counter electrode and there are some portions of the first electrode are in closer proximity to the counter electrode than other portions of the first electrode.

12. Claims 7, 13-15, 21 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rodden (6,139,809). Rodden's invention is directed to an ozone generator comprises all the structures as claimed (Fig. 4 and col. 2, line 63 through col. 3, line 51).

13. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell '493. Bell as applied above further discloses in col. 6, lines 56-67 the use of tape to hold the first electrode firmly in place. The difference between Bell and the instant claims are that the holder comprised a plurality of protrusions and recessed. The subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Bell's teachings because the motivation to make a specific structure is always related to the properties or uses one skilled in the art would expect the structure to have, *In re Newell* 13 USPQ 2d 1248, *Fromson v. Advance Offset Plate* 225 USPQ 26; *In re Gyurik* 201 USPQ 552. The same is applied to the limitation of claim 18.

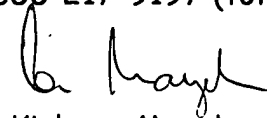
14. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell '493 in view of Rodden '809. The difference between Bell as applied above and the

instant claim is that the first electrode is woven into an electrically non-conductive fabric. Rodden shows the use of different configuration for the electrode in an ozone generator (col. 3, lines 3-8). And the mesh electrode is interpreted as individual metal wires formed into a fabric by weaving. As to the limitation of an electrically non-conductive fabric, it would have been obvious matter of design choice since Applicant has not disclosed the limitation would enhance the operating of the device or is for any particular purpose and it appears that the woven mesh electrode of Rodden would perform equally well in Bell's teachings as the electrode is separated from the counter electrode by a dielectric material.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kishor Mayekar
Primary Examiner
Art Unit 1753